

**REMARKS/ARGUMENTS**

**1.) Previous Claim Rejections – 35 U.S.C. § 101**

Claims 1-8, 10-19 and 21-22 are pending in the application. The Examiner previously rejected claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In the last response, the Applicants amended claims 1-8 and 10-12. In the Advisory Action, the Examiner stated that the amended claims now appear directed toward statutory subject matter, however consideration of the amended claims was not entered. In light of the RCE filed herewith, Applicants hereby request consideration of the previously amended claims.

**2.) Claim Rejections – 35 U.S.C. § 102(e)**

In the Advisory Action, the Examiner maintained his rejection of claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 102(e) as being anticipated by Gouge, et al. (US 6,931,429). The Applicants again respectfully traverse the rejection. Previously, the Examiner equated the entire wireless proximity framework (element 55 and 120 of Figure 5) to the present invention. In response, Applicants pointed out that Gouge discloses a system and method for dynamic delivery of services and applications from a server to a mobile computing device in a wireless proximity framework. In Gouge, critical operating and application software in Gouge resides off the mobile computing device. Gouge necessarily requires interactions between a server and the mobile device, whereas in the present invention, all of the interactions occur on the mobile device itself.

Examiner now cites Figure 1, element 100 and client Framework software 55 for disclosing the present invention. However, Figure 1, element 100 and element 55 of Gouge only consist of a small part of the Gouge invention. To obtain any functionality, the Gouge invention also requires the server (element 110 and software 120). According to the Gouge specification, element 55 is just a network client application (see col. 9, lines 27-53). Element 55 is non-operative without the other elements of the Gouge proximity framework. hence, client 55 is not equivalent to the framework of

the present invention which includes a rulebook for the application domain, including all application domain software operating within the application domain; a middleware domain being an open-platform application-programming interface (open platform API); the application domain being a utility entity, an application entity, and a plug-in entity; the open platform API being a framework interface layer in the middleware domain of a mobile platform; the open platform API (OPA) being adapted to separate the utility entity, the application entity, and the plug-in entity in the application domain from the platform domain, wherein the OPA provides an extensive API from the platform domain to the application domain software; and the application entity, the utility entity, and the plug-in entity interface with the platform domain via the OPA and whereby all services in the platform domain are accessed via the OPA. In light of the clear differences between the present invention and the invention of Gouge, the Examiner's consideration of the pending claims is respectfully requested.

### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-8, 10-19 and 21-22.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Michael Cameron  
Registration No. 50.298

Date: August 13, 2007

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024  
(972) 583-4145  
michael.cameron@ericsson.com